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Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas

Report of the Secretary-General

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I. INTRODUCTION

1. At its forty-eighth session, the General Assembly, in its decision 48/445 of 21 December 1993, took note with appreciation of the report of the Secretary-General (A/48/451 and Corr.1 and 2) and requested the Secretary-General to report to it at its forty-ninth session and to submit subsequently annual updates on further developments relevant to the implementation of General Assembly resolution 46/215 of 20 December 1991.

2. In accordance with decision 48/445, the Secretary-General sent a note verbale to all members of the international community, drawing their attention to resolution 46/215. Letters were also addressed to intergovernmental and non-governmental organizations and well-established scientific institutions with expertise in the area of living marine resources.

3. The Secretary-General has received a number of responses and submissions from States, intergovernmental and non-governmental organizations and scientific organizations. He wishes to express his appreciation for all the contributions.

4. The present report, which takes into account such contributions, is submitted to the General Assembly in response to the request contained in decision 48/445.

II. ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS

5. The Northwest Atlantic Fisheries Organization (NAFO) informed the Secretary-General on 11 April 1994 that the members of NAFO had endorsed United Nations resolutions concerning large-scale pelagic drift-net fishing and that that method of fishing was not currently practised in the NAFO Convention Area.

6. In its submission of 9 May 1994 to the Secretary-General, the International Commission for the Conservation of Atlantic Tunas (ICCAT) indicated that, at its 13th regular meeting, held at Madrid in November 1993, the Commission had adopted a resolution on large-scale pelagic drift-net fishing in which it expressed its serious concern over the potential negative impact of large-scale pelagic drift-net fishing of the marine resources of the Atlantic Ocean and Mediterranean Sea and its intention to closely monitor the effect of drift-net fishing of those resources, and therefore called upon all its member nations to ensure that the global moratorium called for in the United Nations resolutions was fully implemented and encouraged all members of the international community to take measures individually and collectively to prevent all large-scale pelagic drift-net fishing on the high seas.

7. In its reply of 31 May 1994, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) informed the Secretary-General that since the adoption of Commission resolution 7/IX in 1990, 1/ no cases of activities or conduct inconsistent with the terms of resolution 46/215 had been reported to it.

8. In its submission of 2 June 1994 to the Secretary-General, the North Pacific Anadromous Fish Commission (NPAFC) reported that, although the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean 2/ had not been elaborated to prohibit large-scale pelagic drift-net fishing, prohibition of fishing for anadromous fish on the high seas area of the North Pacific Ocean, where fishing had been mainly conducted by using drift-nets, had eventually contributed to the implementation of General Assembly resolution 46/215.

9. In its report to the Secretary-General dated 14 June 1994, the Food and Agriculture Organization of the United Nations (FAO) submitted the following information:

"...

"7. The European Community (EC) introduced regulation 345/92 in 1992 to govern the use of large-scale pelagic drift-nets by its members. However, in April 1994 the European Parliament considered, on the basis of a comprehensive paper submitted by the European Commission, the issue of the use of large-scale pelagic drift-nets by vessels flagged in EC States. The matter will also be considered further by the EC Council of Fisheries Ministers in Luxembourg in June 1994.

"8. According to EC sources, Ireland, Italy and France are seeking derogations for 1994 to enable vessels to deploy drift-nets in excess of the limit (i.e., 2.5 kilometres in length) specified in EC regulation 345/92. Ireland and France are seeking derogations to permit a limited number of their flag vessels to use nets of up to 5 km in length while Italy is seeking a derogation to use nets up to 9 km in length. However, there is considerable opposition in the EC to the use of large-scale pelagic drift-nets, most notably by Spain and Greece, and an early resolution of the differences among EC members on the drift-net issue is not anticipated.

"9. In May 1994, following a demonstration of about 1,000 fishermen in Rome, the Italian Government indicated in a press release issued by the Minister of Agriculture, Food and Forest Resources that at the forthcoming EC Council of Fisheries Ministers, the Italian delegation would (i) press for the deployment of drift-nets in the Mediterranean Sea of up to 9 km in length in order to ensure that adequate incomes were earned by Italian fishermen, and (ii) propose that the phase-out period for the use of drift-net gear be postponed from 1997 to 2004. The Minister also indicated that a working group consisting of fishermen, unions and environmentalists, which was established in the Ministry in 1993, would continue to study the drift-net fishing problem.

"10. In a press release in November 1993, Greenpeace International claimed that the EC failed in 1993 to provide information to the Secretary-General concerning illegal fishing by Italian vessels using large-scale pelagic drift-nets in the Mediterranean Sea. Greenpeace International maintained that 600-700 Italian vessels fish in the Mediterranean Sea each year with 10-12 km-long drift-nets.

"11. In the same press release Greenpeace International also claimed that a French fleet of about 60 vessels using large-scale pelagic drift-nets (with an average length of 7 km) continued to operate for tuna in the North-East Atlantic Ocean. FAO also has received informal industry confirmation of the operation of drift-net vessels in this fishery, and it is understood that both French and Irish vessels are deploying this type of gear.

"...

"19. The General Fisheries Council for the Mediterranean (GFCM) has played an important role in bringing to the attention of policy makers in the Mediterranean that fisheries conservation and management measures adopted by States in the region, and other measures internationally agreed such as the global moratorium on large-scale pelagic drift-net fishing, should be consistent and applied and enforced jointly on a regional basis.

"20. According to the GFCM, violations with respect to the use of large-scale pelagic drift-nets in the GFCM area are still occurring, especially in more remote locations where monitoring, control and surveillance (MCS) is lacking. Therefore, it is imperative that the use of large-scale pelagic drift-nets in the Mediterranean Sea in general, and in the western Mediterranean in particular, be kept under close and continuous scrutiny."

10. In its reply of 16 June 1994 to the Secretary-General, the Intergovernmental Oceanographic Commission (IOC) reported that in the context of the IOC-FAO Ocean Science in relation to Living Resources (OSLR) programme, IOC was endeavouring to obtain, and provide for Government use, such information regarding living marine resources as formed part of an informative basis for decision-making and assessment of the effectiveness of management, including a global fisheries moratorium. IOC would ensure that, in its future programmes and activities, measures were strongly encouraged and supported individually or collectively to prevent large-scale pelagic drift-net operations on the high seas.

11. In its submission of 4 July 1994 to the Secretary-General, the Commission of the European Communities reported that the Community regulation regarding the use of large-scale drift-net fishing had been laid down in article 9 bis of EEC Regulation No. 3094/86. According to that regulation, from 1 January 1994, all Community vessels, with the exception of those operating in the Baltic Sea, the Belts and the Sound, would be barred from using drift-nets, the individual or cumulative length of which exceeded 2.5 kilometres. With respect to fishing operations with drift-nets in the Baltic, on the recommendation of the International Baltic Sea Fishery Commission, the Community regulation had allowed vessels to use large-scale drift-nets of up to 21 km for salmon and sea trout fishing. However, in a recent recommendation, the Commission had proposed to phase out progressively the use of large-scale drift-nets within the Community fishery jurisdiction.

12. In its response to the Secretary-General dated 22 July 1994, the United Nations Environment Programme (UNEP) submitted the following report:

"1. The 'protection of marine living resources' is, by decision of our Governing Council, one of the three components constituting UNEP's oceans programme. A large part of the Oceans and Coastal Areas Programme Activity Centre (OCA/PAC) activities undertaken in the framework of this component are directly related to the conservation of marine biodiversity and are an integral part of the UNEP programme's contribution to the implementation of the Convention on Biological Diversity. Recognizing FAO's role and mandate, UNEP has concentrated on species and ecosystems that are not commercially exploited by fisheries.

"2. Efforts have been devoted through OCA/PAC to the problems related to drift-net fishing. Substantive support was given to a meeting held in Wellington, New Zealand (24-25 November 1989) which led to the adoption of the Wellington Convention on the Prohibition of Drift-net Fishing in the South Pacific and to General Assembly resolution 44/225 on this issue. As follow-up to this resolution, a study entitled 'Drift-net fisheries and their impact on non-target species: a worldwide review' was prepared in cooperation with FAO and published in 1991 as FAO Fisheries Technical Paper 320.

"3. The issue of drift-net fisheries is of particular interest in the context of the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals (MMAP). The MMAP was developed between 1978 and 1983 jointly by UNEP and FAO, in collaboration with other intergovernmental and non-governmental bodies concerned with marine mammal issues. It was adopted by UNEP in 1984. As envisaged by the Plan, major international agencies concerned with marine mammals were invited to join in a Planning and Coordinating Committee (PCC), composed of both intergovernmental (UNEP, FAO, IOC/UNESCO, and Inter-American Tropical Tuna Commission (IATTC)) and non-governmental organizations (the World Conservation Union (IUCN), the World Wide Fund for Nature (WWF), Greenpeace International, and the International Fund for Animal Welfare (IFAW)), through which they coordinate their work in this field. UNEP has assigned a Secretary to the Action Plan since 1985. Five meetings on the PCC have been convened since 1988.

"4. At its 5th meeting, held at Nairobi from 16 to 18 February 1993, the PCC recognized the importance of the General Assembly resolutions on large-scale pelagic drift-net fishing and its impact on living marine resources. It also expressed the view that the PCC should foster and maintain links with relevant organizations on this matter. The PCC agreed on the importance of establishing a world-wide Registry of Drift-net Vessels as an appropriate step towards implementation of the resolutions, recognizing the complexity in the establishment of a Registry. 3/

"5. At its 6th meeting, held at Crowborough, United Kingdom, from 30 June to 3 July 1994, the PCC expressed serious concern about the current situation in the Mediterranean, in particular the continuation of large-scale illegal drift-net fishing and the intention of some countries to permit such practices, or even eventually to legalize them, despite resolutions to the contrary by the European Union and the United Nations General Assembly.

"6. Concern for the by-catch levels of the striped dolphin (Stenella coerueoalba), judged unsustainable, was expressed in the report of the Workshop on Mortality of Cetaceans in Passive Fishing Nets and Traps, held at La Jolla, California, from 22 to 25 October 1990. The meeting was convened with the support of UNEP. An article entitled 'The future of drift-net fishing on the high seas' with particular reference to the Mediterranean Sea was featured in issue No. 10 of the MMAP newsletter The Pilot. Its authors, although noting that 'there can be no doubt that the situation improved significantly in many parts of the world' since the moratorium was adopted, stated that 'the use of large-scale pelagic drift-nets in international waters has far from ended. There is concern that at least some drift-netting vessels have simply shifted to fishing in exclusive economic zones under access agreements.'

"7. The PCC noted the importance of the existing Action Plan for the Conservation of Cetaceans in the Mediterranean, developed under the auspices of the Barcelona Convention. The PCC emphasized the need for further effective instruments of international legislation in the Mediterranean and Black seas. It supported the intention of the Bonn Convention Secretariat to rapidly revise the draft Agreement on the Conservation of Small Cetaceans of the Mediterranean and Black Seas and Contiguous Waters (ASCOMABS) and provide further opportunities for this issue to be discussed.

"8. The Action Plan for the Conservation of Cetaceans in the Mediterranean was adopted by the Contracting Parties to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, at its 7th ordinary meeting held at Cairo in October 1991. That meeting mandated the National Focal Points for Specially Protected Areas to review the Action Plan with a view to its implementation. Paragraph 11 of the Action Plan on 'Obligations' stated the following:

> "'The Contracting Parties shall take all the necessary measures to ensure a favourable conservation status for cetaceans by protecting them and their habitats from undue use and cumulative effects resulting directly or indirectly from activities under national jurisdiction or control. Such measures should include:
>
> "'...
>
> "'- The regulation of fishing gear and practices in order to eliminate by-catches and to prevent fishing gear from being lost or discarded at sea;
>
> "'- A ban on the use of large-scale drift-nets;
>
> "'...'

"9. At the second meeting of National Focal Points for Specially Protected Areas, held at Athens in October 1992, a series of additional items were adopted in the form of an annex to the Action Plan. This annex contains a recommendation concerning the establishment of an ad hoc group of experts

aimed at assisting the Regional Activity Centre for Specially Protected Areas (RAC/SPA), responsible for the implementation of the Action Plan, on scientific and technical matters.

"10. The first meeting of the ad hoc Group of Experts on the Action Plan for the Conservation of Cetaceans in the Mediterranean was convened by RAC/SPA in parallel with the Eighth Annual Conference of the European Cetacean Society (Montpellier, France, 3-6 March 1994).

"11. The meeting issued the following main recommendations relevant to General Assembly resolution 46/215 to the Contracting Parties to the Barcelona Convention for the efficient implementation of the Action Plan:

- To strengthen their national legislation relevant to the protection of cetaceans; ...

- To implement urgently the recommendations of the Action Plan concerning the regulation of fisheries, and take appropriate measures to fight illegal fishing;

"..."

13. The International Maritime Organization (IMO) stated it had no information to contribute to the report of the Secretary-General in pursuance of decision 48/445.

14. In its response of 13 April 1994, the International Council of Environmental Law informed the Secretary-General that it was not directly involved in the implementation of General Assembly decision 48/445. However, it indicated that the International Council of Environmental Law General Assembly, at its nineteenth session, held at Buenos Aires from 17 to 26 January 1994, had adopted a resolution on large-scale pelagic drift-net fishing in the Mediterranean, in which it urged all Governments bordering the Mediterranean Sea urgently to negotiate a legally binding international regime for high seas fishing in international waters that would set strict environmental standards for high seas fishing and institute regional mechanisms to ensure the enforcement of regulations, and called for the immediate implementation of the moratorium as called for in resolution 46/215.

III. REVIEW BY REGION

A. General

1. Information provided by States

15. In its reply of 23 March 1994, Ukraine notified the Secretary-General that Ukraine was fully implementing General Assembly decision 48/445 and resolution 46/215 and "strictly observes the global moratorium on all large-scale pelagic drift-net fishing operations on the high seas of the world's oceans, including enclosed and semi-enclosed seas".

16. In its response of 1 July 1994, New Zealand informed the Secretary-General that, as a sponsor of resolutions 44/225, 45/197 and 46/215, a supporter of decisions 47/443 and 48/445, and as the depositary of the Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific (the Wellington Convention), New Zealand attached great importance to the full implementation of the global moratorium on all large-scale pelagic drift-net fishing. New Zealand was, however, aware of reports of drift-net fishing activity in other areas, such as the Mediterranean Sea and North-East Atlantic and wished to express its strong concern about such reports and to urge all members of the international community to take the necessary steps to ensure that their nationals or interests acted consistently with the global moratorium. In this context, it welcomed the considerable efforts of some Governments and interests to cease using long drift-nets. In addition, New Zealand believed that the Secretary-General's annual reports to the General Assembly, in accordance with decision 48/445, would be an important tool for monitoring progress made and determining whether further action should be taken by the General Assembly to address rogue activities.

17. In a reply to the Secretary-General dated 8 July 1994, Australia transmitted the following comments:

> "...
>
> "Australia remains firmly opposed to large-scale drift-net fishing on the high seas and will continue to press in all relevant forums for the continued full and effective implementation of paragraph 3 of resolution 46/215. We believe that large-scale drift-net fishing causes unacceptable waste and environmental damage, and that it should be replaced with selective and sustainable fishing methods in accordance with responsible fisheries management practices.
>
> "Australia fully appreciates the efforts key distant-water fishing interests have made to change their fishing operations so as to cease large-scale drift-net fishing on the high seas in accordance with paragraph 3 of resolution 46/215.
>
> "We have heard unsubstantiated reports that, despite the European Union regulation limiting to 2.5 km the length of drift-nets for each vessel, some European Union vessels have been deploying longer drift-nets in the North Atlantic and the Mediterranean Sea. We understand that the European Union has proposed to phase out the use of drift-nets by its members in 1997, and we applaud that course of action.
>
> "So that the implementation of resolution 46/215 can be monitored properly, Australia requests the Secretary-General to continue to compile information from relevant fishing nations on the nature and effectiveness of measures they have employed to ensure implementation of the resolution, including fleet reduction schemes and inspection and enforcement measures.
>
> "Countries whose vessels have been involved in drift-net fishing on the high seas should actively discourage the owners of those vessels from attempts to continue drift-net operations under other flags. In this

context, the provisions of the recently concluded FAO agreement, to promote compliance with international conservation and management measures by fishing vessels on the high seas are particularly relevant.

"...

"In conclusion, Australia reiterates its full support for the provisions of resolution 46/215 and for the efforts taken by fishing nations to abide by it. We call on all members of the international community to cooperate in ensuring that large-scale drift-net fishing does not occur on the high seas."

18. The United States of America made the following submission, dated 19 July 1994:

"The United States remains seriously concerned over continuing reports of large-scale pelagic drift-net fishing inconsistent with the terms of resolution 46/215 in high seas areas of the north-eastern Atlantic Ocean and Mediterranean Sea. The United States has repeatedly encouraged flag State authorities to take responsible enforcement action and to ensure that their fishing fleets comply with resolution 46/215, and several report that they have implemented more stringent enforcement procedures. The United States is also seeking to independently confirm the reports of activity inconsistent with the resolution.

"...

"As a principal co-sponsor of General Assembly resolution 46/215, as well as resolutions 44/225 and 45/197, and a supporter of decisions 47/443 and 48/445, the United States takes a particular interest in the effective and full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas in the light of the adverse impacts such fishing has upon the world's living marine resources.

"The United States firmly believes that the best available scientific evidence demonstrates the wastefulness and potential ecosystem-scale negative impacts of large-scale pelagic drift-net fishing on the high seas. The United States believes it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing on the high seas, and by its resolution 46/215, called upon all members of the international community to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992.

"The United States attaches great importance to compliance with resolution 46/215, has taken measures individually and collectively to prevent large-scale pelagic drift-net fishing on the high seas and has called upon all members of the international community to implement and comply with the resolution. The United States has urged all members of the international community, intergovernmental organizations, non-governmental organizations and well-established scientific institutions with expertise

in relation to living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215.

"On 11 October 1993, the United States Departments of Transportation, Commerce, and Defense entered into a Memorandum of Understanding to more effectively enforce United States domestic laws and international agreements that conserve and manage living marine resources. The Memorandum of Understanding establishes a mechanism for the use of the surveillance capabilities of the Department of Defense for locating and identifying vessels violating United States marine conservation laws and international agreements, including resolution 46/215, and also sets formal procedures for communicating vessel locations to the Department of Commerce and the United States Coast Guard.

"The Coast Guard monitors high seas fishing activity in support of resolution 46/215. Enforcement efforts in 1993 and 1994 have included United States Coast Guard aircraft sorties and cutter patrols in areas of former large-scale high seas drift-net fishing activity.

"In 1993 the United States Coast Guard used a combination of 148 cutter patrol days and 829 aircraft patrol hours to monitor former areas of large-scale high seas drift-net fishing in the North Pacific Ocean. The United States considers this effort very successful in deterring unauthorized drift-net fishing activity.

"In 1994 the United States Coast Guard has maintained a full-time cutter in the area of historical large-scale high seas drift-net fishing for 56 days during what had once been the peak of the large-scale high seas drift-net fishing season. In addition to this effort, United States Coast Guard cutters spent 66 days patrolling the larger area of the North Pacific between Hawaii and Alaska. For the remainder of 1994 a cutter will be scheduled 84 days for response, if necessary, to any unauthorized efforts; the United States Coast Guard plans to dedicate 560 aircraft hours in 1994 to large-scale high seas drift-net fishing patrol in the North Pacific. These flights will be supplemented by flights conducted by Canadian aircraft staging from United States bases in the Aleutian islands. Canadian flights are closely coordinated with United States Coast Guard flights and cutter patrols. In addition, a United States National Marine Fisheries Service Agent accompanies Canadian flights.

"United States Coast Guard patrol efforts this year reflect the enhanced surveillance capabilities available to this mission under the Memorandum of Understanding between the departments of Transportation, Commerce and Defense and the observed levels of activity in the historical areas of large-scale drift-net fishing activity on the high seas. The United States Coast Guard will adjust its patrol efforts as necessary to provide an appropriate response to reports of fishing activity or conduct inconsistent with the terms of resolution 46/215.

"...

"The United States remains vigilant in its efforts to implement resolution 46/215 and remains concerned that, in some circumstances, individual vessel owners may seek to frustrate the resolution.

"...

"The United States continues to attach extreme importance to compliance with resolution 46/215 and encourages all members of the international community to take measures to prohibit their nationals and vessels from undertaking any activity contrary to the terms of resolution 46/215, and to impose appropriate penalties against any that may undertake such activities."

2. Information provided by international organizations

19. In the above-mentioned report to the Secretary-General (see para. 9), FAO made the following submission:

"4. In accordance with General Assembly resolution 46/215, the Government of Japan discontinued issuing fishing licences for large-scale pelagic drift-net fishing, commencing in 1993. According to a 1993 Government report, it was planned that Japan would conduct research/test fishing in the North Pacific on alternative fishing gears to determine whether such gears were feasible economically for harvesting squid.

"5. The fisheries administration in Taiwan Province of China has taken measures to reduce the size of its large-scale pelagic drift-net fleet and to comply with resolution 46/215. These measures, initially introduced in 1990, culminated in the administration deciding, with effect from 1993, not to issue fishing licences for the use of large-scale pelagic drift-net vessels.

"6. According to industry sources, more than 100 ... large-scale pelagic drift-net vessels [from the Republic of Korea] that normally target squid in the North Pacific were docked in December 1993 because of the global moratorium relating to the use of this type of gear. The moratorium has created difficulties both for the Government of the Republic of Korea and the fishing industry. However, the Government has initiated measures to convert vessels from large-scale pelagic drift-net fishing and has appropriated 45.5 billion won (US$ 56.9 million at current rates of exchange) to help fishermen re-equip their vessels for other types of fishing.

"...

"22. The Institut Français de Recherche Pour l'Exploitation de la Mer (IFREMER) published in 1993 findings relating to the impact of large-scale pelagic drift-nets on dolphin populations in the French albacore tuna drift-net fishery. Data for the research were collected from (a) observers during 1992 and 1993 who covered about one quarter of total fishing trips made, and (b) the results of three sighting surveys in 1993. These data

gave an estimate of the population size of common and striped dolphin populations of 61,888 and 74,843 respectively, with an average mortality rate caused by fishing of 0.7 per cent and 1.6 per cent, respectively. A model was built in order to simulate the effect of the highest level of mortality observed. It was found that these values would lead to a decrease of 1 per cent in the natural growth rate of dolphin stocks. The study concluded that it was unlikely that such values would jeopardize the survival and the presence of the species. Total incidental catches of all species represented 15 per cent of total catches, of which cetaceans represented 0.1 to 0.2 per cent of total catches. Albacore tuna represented the remaining 85 per cent of total catches.

"23. Since the preparation of FAO's last report on large-scale pelagic drift-net fishing in June 1993, indications are that the international incidence of this method of fishing has declined further. Indeed, with the exception of the Mediterranean Sea and pockets in the North-East Atlantic Ocean it would appear that use of large-scale pelagic fishing has all but disappeared. This situation can be attributed primarily to action taken by Asian distant-water fishing nations and entities (Japan, the Republic of Korea and Taiwan Province of China) to comply fully with General Assembly resolution 46/215 by not authorizing vessels that fly their respective flags to deploy large-scale pelagic drift-net gear.

"24. On the basis of information available to FAO, the principal use of large-scale drift-net fishing gear, in contravention of resolution 46/215, is by EC flag vessels operating in the Mediterranean Sea and the North-East Atlantic Ocean."

20. In its submission of 27 June 1994 to the Secretary-General, the Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA) reported that, according to the information it had received from its member States:

(a) El Salvador had no objection to General Assembly decision 48/445;

(b) Cuba had not enacted any measure relating to such fishing methods because the country did not, nor did it intend to, make use of such methods for fishing purposes;

(c) Panama, being a co-sponsor of the General Assembly resolution, had taken measures not to approve new applications for registration of ships using the drag-net or drift-net fishing method, and to cancel the registration of Panama-registered vessels which were reliably reported to be using this fishing method;

(d) The large-scale fishing fleet operating under Honduran jurisdiction in the Caribbean Sea caught shrimp and lobster using seabed draw-nets, bag-nets or diving and Honduras had no large-scale fishing fleet using pelagic and mid-water nets; accordingly, decision 48/445 did not apply to the case of Honduran fishery activities;

(e) Nicaragua had no comments on the Secretary-General's note given the consensus established as to the need to protect certain marine species which

were accidentally caught in such nets and had no objection to the implementation of the decision as recommended by the Second Committee of the General Assembly on 21 December 1993;

(f) The Peruvian regulations of the General Fishing Law, approved under Supreme Decree No. 02-94-PE, expressly prohibited - in article 184 (c) - the use of non-handcrafted drift-nets. In addition to this ban, the code of ordinances governing the fishing of tuna and similar or related species permitted the use only of selective catch methods such as the longline and fishing aggregating devices (FADs). The code of ordinances also provided that tuna-fishing vessels flying the national or foreign flags ought to observe the following conditions:

(i) Net mesh shall be at least 100 millimetres (four inches) in length;

(ii) Nets shall be fitted with dolphin protection fabrics and other devices preventing harm to marine mammals associated with tuna;

(iii) The protection fabrics of ring nets shall be properly "aligned" and provided with the corresponding recently dated international certificate to ensure they are functioning efficiently;

(iv) Nets shall preferably be cast towards tuna not associated with dolphins.

In the light of these paragraphs, the National Department had taken a favourable view of the decision adopted by the General Assembly.

B. Atlantic Ocean

1. Information provided by States

21. In its response of 11 May 1994 to the Secretary-General, Namibia reported that it was in full support of the efforts to curb large-scale drift-net fishing, not only on the high seas, but also in declared fishing zones and exclusive economic zones. In addition, Namibia communicated the following:

> "The Namibian legislation on this topic reads as follows: 'Any person who catches fish by means of a drift-net, being a gill-net or any other net, or a combination of such nets, with a total length exceeding 1.5 km, or any shorter length as may be prescribed, being placed in the water and allowed to drift for the purpose of trapping or entangling fish, shall be guilty of an offence and liable on conviction to a fine not exceeding 1,000,000 rand or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment'. The Government thus follows a policy of not allowing any drift-net fishing whatsoever, even with nets totalling less than 2.5 km in length."

22. In its reply of 18 May 1994 to the Secretary-General, the Netherlands reported that its fleet was not practising drift-net fishing given the fact that the relevant regulation on "technical equipment" of the Ministry of Agriculture, Nature Management and Fisheries of the Kingdom contained a prohibition on the

use and possession of drift-nets longer than 2.5 km in accordance with regulation 345/92 of the European Community.

23. In its reply of 30 June 1994, Mexico informed the Secretary-General that its fleet fishing for shark and marlin used long nets and drag-nets but these activities were not carried out on the high seas. In addition, Mexico had standing instructions to deny permits for shark fishery and marlin fishery using drag-nets longer than 2,000 metres and 2,500 metres respectively.

24. In its submission of 8 July 1994, Panama informed the Secretary-General that the Government of Panama had refused requests for registration submitted by foreign vessels using a drift-net fishing method and had indicated that, should those vessels be indicted for practising drift-net fishing, their registration would be revoked following the appropriate investigation of the National Merchant Marine.

2. Information provided by international organizations

25. In its submission of 27 June 1994 to the Secretary-General, the North Atlantic Salmon Conservation Organization (NASCO) reiterated that NASCO was unaware of any large-scale pelagic drift-net fishing within the Convention area.

26. According to the reply of 30 June 1994 to the Secretary-General from the International Council for the Exploration of the Sea (ICES), those ICES member countries which had replied to the Council indicated that they were unaware of any activities by their nationals in the ICES area that might be inconsistent with the terms of resolution 46/215.

27. According to the above-mentioned report of FAO to the Secretary-General (see para. 9),

> "...
>
> "12. Little information is available concerning the use of large-scale pelagic drift-net vessels in the Atlantic Ocean. According to industry sources vessels with a drift-net fishing capacity continue to be based in the region and such vessels could be operating seasonally in the Atlantic Ocean. Monitoring of their activities is difficult."

3. Information provided by non-governmental organizations

28. It has been reported, however, that several French-registered fishing vessels and one Irish registered fishing vessel had been using large-scale drift-nets for tuna fishing in the North Atlantic during the months of June and July, in violation of General Assembly resolution 46/215 and EC regulation 345/92. 4/

C. Baltic Sea

Information provided by States

29. In its submission of 19 May 1994, Finland informed the Secretary-General that fishing was practised by Finland only in the Baltic Sea in its own fishing zone and that the method of drift-net fishing was not used in this respect.

30. In its response of 21 June 1994 to the Secretary-General, Sweden submitted the following information:

> "The United Nations drift-net moratorium forbids large-scale pelagic drift-net fishing on the high seas. In the view of the Swedish Government, the moratorium is important to protect, inter alia, dolphins on unregulated high seas.
>
> "Swedish fishing vessels have been using drift-nets to catch mackerel and herring in the Atlantic, mainly in the Kattegatt and the Skagerrak. The total length of these nets falls short of 2.5 km. Normally their upper limit is about 1,500 metres.
>
> "The Baltic, which is a semi-enclosed sea, has no unregulated area. The regulations on drift-net fishing have been established within the framework of the International Baltic Sea Fishery Commission. When fishing for salmon and trout with drifting nets and anchored floating nets, not more than 600 nets per vessel may be used. The length of each net may not exceed 35 metres.
>
> "Sweden has also initiated a follow-up programme concerning by-catches from fishing, inter alia, with drift-nets."

D. Indian Ocean

1. Information provided by States

31. In its response of 27 April 1994, Bahrain informed the Secretary-General that its Ministry of Commerce and Agriculture had issued Ministerial Decree No. 8 in 1988, which prohibited the use of large-scale pelagic drift-net fishing in its territorial waters, thus making the use of such drift-net fishing illegal and against the fishing resources law.

32. In its reply of 26 May 1994, Maldives notified the Secretary-General that the measures contained in General Assembly resolution 46/215 were being implemented in Maldives through regulations for issuing licences to fish in its exclusive economic zone, established by the Fisheries Law.

33. In its response of 27 May 1994 to the Secretary-General, Iraq submitted the following information:

> "1. Due to the circumstances of the sanctions imposed on Iraq, the sea fishing activities of Iraq are currently very limited and are being carried

out on the very traditional narrow coastal strip. Iraq also has no fishing activities [on the high seas].

"2. The fishing process in Iraq is governed by certain rules and regulations and supervised by specialized State personnel, and since Iraq overlooks the Arabian Gulf and has the rights to the regional and international waters, the Government of Iraq supports any resolution that preserves the fish reserve and ensures a safer environment."

34. In its submission of 30 June 1994, Mauritius informed the Secretary-General that it had prohibited drift-net activities in its waters by enacting the Prohibition of Drift-net Act, 1992 and to its knowledge, no drift-net activities were ever carried out in its waters. Mauritius also informed the Secretary-General that the adoption of the above-mentioned Act illustrated its contribution towards the implementation of resolution 46/215.

35. In its reply to the Secretary-General of 25 July 1994, the United Arab Emirates submitted the following information:

"1. The use of large-scale pelagic drift-nets for fishing in the territorial and adjacent waters of the United Arab Emirates is prohibited;

"2. The United Arab Emirates does not engage in any activity relating to the use of large-scale pelagic drift-net fishing on the high seas or open waters;

"3. The United Arab Emirates has previously indicated its support of General Assembly resolution 46/215 concerning the global moratorium on all large-scale pelagic drift-net fishing;

"4. The United Arab Emirates supports decision 48/445, adopted by the General Assembly on 21 December 1993."

36. In its above-mentioned reply (see para. 17), Australia made the following submission in respect of the Indian Ocean:

"... we have no reports of drift-net fishing activity to our west since the commencement date of the moratorium established by resolution 46/215. None the less, we remain concerned that drift-net fishing may be continuing in areas where the institutional framework may not be adequate to identify or deal with the practice, such as the relatively remote waters of the southern Indian Ocean. Continued drift-net fishing there would pose a serious threat to marine resources in the region, particularly southern bluefin tuna and albacore tuna, and would undermine sustainable fisheries management initiatives for both species."

2. Information provided by international organizations

37. According to information provided by FAO in the above-mentioned report to the Secretary-General (see para. 9):

"17. In October 1993 an FAO-sponsored Expert Consultation on Indian Ocean Tunas held at Mahe, Seychelles, was told by an expert from Taiwan Province of China that large-scale pelagic drift-net vessels of Taiwan Province of China had ceased operations in the Indian Ocean in 1992, in accordance with the global moratorium called for in General Assembly resolution 46/215. In addition, the Indo-Pacific Tuna Development and Management Programme has advised FAO that there have been no other reports of large-scale pelagic drift-nets being used in the Indian Ocean."

E. The Mediterranean

1. Information provided by States

38. In its submission of 3 June 1994, Monaco informed the Secretary-General that, in line with its long-standing concern over the protection of marine species, particularly those endangered by drift-net fishing practices, it had signed on 22 March 1993 in Brussels, along with France and Italy, a declaration establishing a sanctuary for the conservation and protection of marine mammals in an area off the coasts of France, Italy and Monaco. The Declaration would commit signatory States to include in their national legislation provisions banning the use of drift-nets. Consequently, Monaco had implemented "without restriction General Assembly resolutions concerning drift-net fishing and has even gone beyond their provisions in order to protect endangered marine species present in its maritime space."

39. In its response of 3 June 1994 to the Secretary-General, Turkey indicated that no large-scale pelagic drift-net fishing was practised in Turkish territorial waters and "contiguous offshore zones", nor were Turkish vessels engaged in any fishing activity on the high seas.

2. Information provided by international organizations

40. In the above-mentioned report to the Secretary-General, FAO indicated that:

"...

"18. Several non-EC Mediterranean States have adopted restrictive regulations concerning the use of large-scale pelagic drift-net fishing gear by vessels flying their respective flags. These regulations generally conform with EC regulation 345/92, which took effect on 1 January 1992. The adoption and enforcement of these national regulations by non-EC Mediterranean States is designed primarily to reduce the risk of transfer of large-scale pelagic drift-net gear from EC States to non-EC States in the Mediterranean under the guise of technology transfer and within the framework of joint-venture fishing arrangements."

3. Information provided by non-governmental organizations

41. It has been reported that Italian swordfish drift-net vessels continued to use large-scale drift-nets in excess of the 2.5-km limit specified by EC regulation 345/92. A fleet of an estimated 600 vessels was alleged to be operating in international waters as well as in territorial waters of countries that expressly forbade the use of this gear. Although the Italian fleet "posed the biggest problem", other Mediterranean countries' vessels, from Morocco and Spain, were reported also to be continuing the use of large-scale drift-nets. 5/

F. Pacific Ocean

1. Information provided by States

42. In a note dated 2 June 1994, Ecuador informed the Secretary-General that, in compliance with General Assembly resolution 46/215, no drift-net fishing permits had been or would be granted to national or foreign vessels in waters under Ecuadorian jurisdiction. In addition, Ecuador did not have any projected regulation for allowing such fishing activity. Consequently Ecuadorian authorities faithfully had complied with resolution 46/215 and its terms for preventing drift-net fishing in the high seas since such activities would have adverse effects on the living marine resources.

43. In its reply to the Secretary-General of 14 June 1994, Japan submitted the following information:

> "1. Since 1 January 1993, it has issued no licences for large-scale drift-net fishing.
>
> "2. In 1993, it introduced a compensation system that encourages fishermen to discharge their crews and dispose of their fishing gear and vessels by offering them material inducement to do so. This step was taken in order to eliminate illegal drift-net fishing operations from the high seas and alleviate the resulting hardships suffered by those who depend on income from drift-net fishing (172 vessels were scrapped in 1993 and 11 more are to be scrapped in 1994, so that all compensation will have been disbursed by the end of 1995).
>
> "3. Also in 1993, it established and put into operation a one-year plan for enforcing the ban on drift-net fishing that utilizes six patrol vessels for a total of 460 days. The plan was renewed in 1994. (As a result, no illegal activities have been reported since the beginning of 1994.)"

44. In the above-mentioned response to the Secretary-General (see para. 16), New Zealand made the following submission:

> "New Zealand is pleased to report that there has been no drift-net activity within areas under its jurisdiction over the past 12 months. Nor are we aware of any reports of drift-net fishing activities in the broader Wellington Convention area.

"We note that the Forum Fisheries Agency has confirmed that it has received no reports of large-scale drift-net fishing in the South Pacific region over the past year.

"...

"New Zealand reiterates its call for all countries eligible to do so to support fully the Wellington Convention and its two protocols. The number of parties to the Convention has grown to nine. There are seven signatories to the Convention that have not yet ratified. There has been no change to support for the two protocols."

45. In the above-mentioned report to the Secretary-General (see para. 12), Australia gave the following information:

"On the high seas adjacent to Australia's east coast, no drift-net fishing activity has been reported to Australian authorities since the agreed cessation in the South Pacific came into force in July 1991.

"...

"Australia urges all countries which are eligible to become parties to the Wellington Convention or one or both of its protocols to do so, in support of the strong regional initiative which the Convention represents and also to confirm their commitment to full implementation of resolutions 44/225 and 46/215 in the South Pacific."

46. In its above-mentioned reply (see para. 18), the United States submitted the following report with respect to the Pacific Ocean:

"...

"On 3 December 1993, the United States and China signed a Memorandum of Understanding designed to ensure effective cooperation and implementation of resolution 46/215. Under the terms of the agreement, enforcement officials of either country may board and inspect vessels flying the United States or China flag in the North Pacific Ocean found using or equipped to use large-scale high seas pelagic drift-nets inconsistent with the provisions of resolution 46/215. The agreement also provides for enforcement officials of either country to ride on board high seas drift-net fishery enforcement vessels of the other country. The United States Coast Guard will carry China shipriders on three high seas fishery enforcement patrols this year in areas of former large-scale high seas drift-net fishing activity.

"...

"To date in 1994, the United States Coast Guard has not detected any large-scale drift-net fishing activity on the high seas. In late June, a Canadian aircraft patrol, operating from a United States base in the

Aleutian Islands with an agent of the United States National Marine Fisheries Service embarked, did sight a vessel possibly equipped for large-scale high seas drift-net fishing approximately 1,000 nautical miles north/north-east of Japan transiting to the south-west at 14 knots. The vessel was approximately 200 feet in length with a white hull and recently painted-over Asian characters on the stern. Subsequent flights were unable to relocate the vessel."

2. Information provided by international organizations

47. In its report to the Secretary-General, FAO gave the following information:

"14. The Inter-American Tropical Tuna Commission (IATTC) has reported to FAO that there is no information to indicate that large-scale pelagic drift-net fishing is occurring within the IATTC area (i.e., the Eastern Pacific Ocean).

"15. According to information provided to FAO by the South Pacific Forum Fisheries Agency, there were no reports of large-scale pelagic drift-net fishing in the South Pacific in the 1993/94 fishing season.

"16. As depository for the Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific, done at Wellington on 24 November 1989, the New Zealand Government advised FAO on 1 June 1994 that 16 States had signed the Convention while 9 States had ratified it. In addition, 1 State has signed and ratified Protocol I to the Convention while 3 States have signed, and 2 States have ratified, Protocol II to the Convention.

"...

"21. In 1993 research findings were published showing that the population of northern right whale dolphin (Lissodelphis borealis) in the North Pacific Ocean has been affected by large-scale pelagic drift-net fishing and that no apparent conservation measures are available. Two significant points emerged in the research, including (i) simple 'worst-case' estimates of depletion highlight the importance of accurate estimates of population abundance. Current abundance is reckoned to be 24-73 per cent of abundance in 1978, depending upon which estimate of population is assumed, and (ii) drift-net catches are highly aggregated. Reporting a kill rate of a fraction of an animal per unit of effort assumes that drift-nets 'cull' the population of animals and masks the more important effect of large, simultaneous kills of large fractions of pods, families or other reproductive units."

48. In its reply of 12 July 1994 to the Secretary-General, the Forum Fisheries Agency (FFA) submitted the following report:

"Over a reporting period of 12 months, the Forum Fisheries Agency has received a report from Australia that an Indonesian vessel was sighted drift-netting in the Australian fishing zone in December 1993. The vessel

was apprehended on the high seas and towed to Darwin. The master of the vessel was prosecuted, resulting in forfeiture of the catch and gear.

"An Australian surveillance flight also sighted a ... vessel [from Taiwan Province of China] operating in the Solomon Islands in April 1994.

"Apart from the above, the Agency has not received any other reports of drift-net fishing activities in the South Pacific region.

"The Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific has been in force for three years, since 17 May 1991. The Convention over the reporting period was signed on 11 August 1993 and ratified on 14 January 1994 by Fiji. That brings the number of FFA member countries that have signed the Convention to 13, and 8 that have ratified. The Agency is therefore pleased to report the continuing support of the member countries of FFA for the Convention. The Agency continues to encourage member countries of FFA that have not signed or ratified the Convention to do so."

Notes

1/ See A/46/615, para. 15.

2/ Done at Moscow on 11 February 1992, and signed by Canada, Japan, the Russian Federation and the United States of America. Entered into force on 16 February 1993.

3/ Meeting report available as document UNEP(OCA)/MM.WG.5/7.

4/ Communication from Federación de Cofradías de Pescadores de Guipúzcoa, 6 July 1994.

5/ Communication from Greenpeace International, 29 June 1994.